

SUSAN L. CARLSON  
SUPREME COURT CLERK

ERIN L. LENNON  
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**THE SUPREME COURT**  
STATE OF WASHINGTON



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September 10, 2018

**LETTER SENT BY E-MAIL**

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701 5th Avenue, Suite 6900  
Seattle, WA 98104-7029

Hon. William M. McCool, Clerk (**sent by U. S.  
mail only**)  
U. S. District Court  
Western District of Washington  
700 Steward Street, Suite 2310  
Seattle, WA 98101

Re: Supreme Court No. 96264-2 - Valerie Sampson, et al v. Knight Transportation, Inc., et al  
U.S. District Court for the Western District of Washington No. C17-0028-JCC

Clerk and Counsel:

On September 5, 2018, this Court received a copy of the federal court's order entered in the above captioned matter on June 14, 2018. The order concerns the certification of questions to this Court pursuant to the Federal Court Local Law Certification Procedure Act, Chapter 2.60 RCW, and RAP 16.16. The matter has been assigned the above referenced Supreme Court cause number.



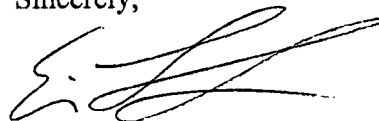
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However, before this matter can proceed further, this Court needs to receive direction from the federal court as to the order of briefing. In that regard, RAP 16.16(e)(1) provides in pertinent portion that: "The federal court shall designate who will file the first brief."

For your ease of reference, I have enclosed a copy of RAP 16.16.

In addition, the Clerk is requested to provide the record to this Court in an electronic format. The record can either be filed in this court via our appellate court web portal or provided on a disk or thumb drive.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Lennon", with a stylized flourish at the end.

Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:bw

RAP RULE 16.16

QUESTION CERTIFIED BY FEDERAL COURT

(a) Generally. The Supreme Court may entertain a petition to determine a question of law certified to it under the Federal Court Local Law Certificate Procedure Act if the question of state law is one which has not been clearly determined and does not involve a question determined by reference to the United States Constitution. Certificate procedure is the means by which a federal court submits a question of Washington law to the Supreme Court. This rule provides the procedure for implementing RCW 2.60.

(b) Caption of Pleadings and Briefs Filed in Supreme Court. The caption of the case should be:

CERTIFICATION FROM (ORIGINATING  
UNITED STATES COURT)

IN  
(Title of Action)

(c) Filing. The cause shall be filed, indexed, and numbered in the same manner as an appeal to the Supreme Court.

(d) Record. The record shall be certified by the federal court as required by statute.

(e) Briefs.

(1) Procedure. The federal court shall designate who will file the first brief. The first brief should be filed within 30 days after the record is filed in the Supreme Court. The opposing party should file the opposing brief within 20 days after receipt of the opening brief. A reply brief should be filed within 10 days after the opposing brief is served. The briefs should be served in accordance with rule 10.2. The time for filing the record, the supplemental record, or briefs may be extended for cause.

(2) Form and Reproduction of Briefs. Briefs should be in the form provided by rules 10.3 and 10.4. Briefs will be reproduced by the clerk in accordance with rule 10.5.

(f) Costs. The cost provisions of Title 14 are applicable except that both parties must file a cost bill, and that the commissioner or clerk will not award costs but will divide the total costs equally between the parties.

(g) Finality of Opinion. The opinion of the Supreme Court is certified to the federal court at the time a mandate would issue as provided in rule 12.5. The certification by the clerk states that the opinion is in answer to the question of Washington law submitted.

References

RCW 2.60, Federal Court Local Law Certificate Procedure Act.

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Re: Supreme Court No. 96264-2 - Valerie Sampson, et al v. Knight Transportation, Inc., et al  
U.S. District Court for the Western District of Washington No. C17-0028-JCC

Clerk and Counsel:

On September 10, 2018, the Court sent a letter requesting that the federal court provide direction as to the order of briefing. In response, counsel provided a copy of the federal court's August 31, 2018, order directing that the Plaintiffs file the opening brief.

Pursuant to RCW 2.60.030 and RAP 16.16(e), briefs are due in accordance with the following schedule:

1. The Plaintiffs' opening brief should be served and filed by October 10, 2018.



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2. The Defendants' answering brief should be served and filed within 20 days after service of the Plaintiffs' opening brief.
3. The Plaintiffs' reply brief should be served and filed within 10 days after service of the Defendants' answering brief.

Briefs should be in the form provided by RAP 10.3 and RAP 10.4, and should be served and filed in accordance with RAP 10.2(h).

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin L. Lennon', with a stylized, flowing script.

Erin L. Lennon  
Supreme Court Deputy Clerk

ELL:bw

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